

ORDINANCE NO. 11-21

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 12. ANTENNAS AND TOWERS, SUBDIVISION IV. WIRELESS COMMUNICATION TOWERS AND ANTENNAS, OF THE CODE OF ORDINANCES AND IN PARTICULAR, BY REVISING HIALEAH CODE § 98-2358 ENTITLED 'LOCATIONS WHERE PERMITTED' TO REQUIRE SCREENING AROUND THE PERIMETER OF ROOFTOP EQUIPMENT, CABINETS AND STRUCTURES THAT EXTEND ABOVE THE ROOF LINE THAT ARE ASSOCIATED WITH ROOFTOP ANTENNAS AND FURTHER REQUIRE COMPLIANCE WITH FLORIDA BUILDING CODE WIND LOAD REQUIREMENTS AND COMPATIBILITY WITH THE AESTHETICS OF THE BUILDING WHERE THE ROOFTOP ANTENNA IS LOCATED; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government;

WHEREAS, the specific intent and purpose of this ordinance is to provide an architectural screening of the equipment, cabinets and structures that extend above the roof line or parapet walls for rooftop antennas and provide compliance with Florida Building Code wind load requirements and compatibility with the aesthetics of the building; and

WHEREAS, the Planning and Zoning Board recommended approval of this ordinance at its meeting of March 23, 2011.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98 entitled "Zoning", Article VI. Supplementary District

Regulations, Division 5. Uses, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by the addition of a new subdivision, Subdivision XII. Family Day Care Homes, to read as follows:

Chapter 98

ZONING

* * *

**ARTICLE VI. SUPPLEMENTARY DISTRICT
REGULATIONS**

* * *

DIVISION 12. ANTENNAS AND TOWERS

* * *

**Subdivision IV. Wireless Communication Towers and
Antennas**

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Sec. 98-2358. Locations where permitted.

(a) *Antennas.* Rooftop or building-mounted antennas may be permitted in the following land use classified areas not to exceed more than 15 feet above the highest point of the roof, including mechanical rooms: All equipment, cabinets or structures on a rooftop extending above the roof line or parapet walls shall require an architectural screening around the perimeter of the equipment that complies with the Florida Building Code wind load requirements and that is compatible with the aesthetics of the building where the rooftop antenna is mounted or located.

- (1) Industrial.
- (2) Major institutions, excluding places of worship and fraternal organizations.
- (3) Recreation/open space.

- (4) Governmental use.
- (5) High density residential, only on building which are at least six stories in height.
- (6) Commercial, excluding OPS and B-1 zoning districts.

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

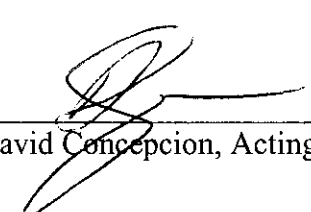
PASSED AND ADOPTED this 26th day of April, 2011.

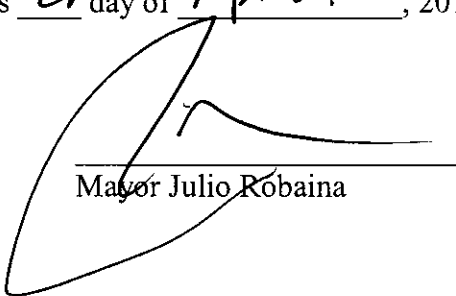
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Carlos Hernandez
Council President

Attest:

Approved on this 28 day of April, 2011.


David Concepcion, Acting City Clerk


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".